

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMMEX CORPORATION,

Movant,

v.

BUSINESS FACTS DISTRIBUTION LLC,

Respondent.

Case No.

*Related to Civil Action No.
2:23-cv-01411-JHC (W.D. Wash.)*

**NOTICE OF MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA TO
BUSINESS FACTS DISTRIBUTION LLC**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the Declaration of Martha Brewer Motley dated August 27, 2024, and all the exhibits thereto, Movant AMMEX Corporation, by and through its undersigned counsel, will move this Court on a date and time to be determined by the Court for entry of an Order Compelling Compliance with Subpoena to third party Business Facts Distribution LLC, pursuant to Fed. R. Civ. P. 45, in connection with the action pending in the United States District Court for the Western District of Washington captioned *AMMEX Corp. v. John Doe 1-10*, No. 2:23-cv-01411-JHC (W.D. Wash. Sept. 11, 2023).

Movant hereby certifies that Movant's counsel in the underlying action in the Western District of Washington has attempted to secure Business Facts Distribution LLC's compliance with the subpoena in good faith, as set forth in the accompanying Declaration of Martha Brewer Motley. But such efforts have not been successful as Business Facts Distribution LLC has not produced the documents commanded by the subpoena.¹

¹ AMMEX had to file another similar matter with this Court that addresses the same issues and the same underlying litigation. *See AMMEX Corp. v. NY Healthlife, LLC*, No. 24-MC-84 (KMK), 2024 U.S. Dist. LEXIS 111819 (S.D.N.Y. June 24, 2024) (adopting the magistrate judge's report and recommendation that Respondent be held in contempt for failing to comply with or object to AMMEX's subpoena seeking Respondent's source of AMMEX products and awarding fees incurred by AMMEX in securing Respondent's compliance).

Date: New York, New York
September 3, 2024

Respectfully submitted,
MINTZ & GOLD LLP

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Pro Hac Vice applications forthcoming